

REMARKS/ARGUMENTS

Claims 1-12 and 14-19 remain in the application. Claim 13 was previously cancelled.

A. Rejections under 35 U.S.C. 102.

Claims 1-8, 11-12, 14-16 and 18 were rejected under 35 U.S.C. 102 based upon Bruck et al. This rejection is respectfully traversed.

Independent claim 1 calls for a plurality of servers and a gateway machine configured to receive the request from the client, select from amongst the servers. Independent claim 12 calls for a method that includes causing the gateway machine to select amongst servers so as to balance load across the plurality of communication channels. At least these features of claims 1 and 12 are not shown or suggested in the San Andres reference.

The office action alleges that element 200 in Bruck et al. shows both the plurality of servers and the gateway machine. How can this single element in Bruck et al. be used to show two separate elements in claims 1 and 12. Moreover, claims 1 and 12 call for, in varying language, the gateway machine to select amongst the plurality of servers. How can a server 200 in Bruck et al. select amongst itself?

For at least these reasons claims 1 and 12 are allowable over the San Andres reference. Claims 2-8, 11, 14-16 and 18 that depend from claims 1 and 12 are believed to be allowable for at least the same reasons as claims 1 and 12.

B. Rejections under 35 U.S.C. 103.

Claims 9, 10, 17 and 19 were rejected under 35 U.S.C. 103 based upon Bruck et al. in view of San Andres et al. This rejection is respectfully traversed.

Claims 9 and 10 depend from claim 1 and are believed to be distinct from the Bruck et al. reference for at least the same reasons set out above with respect to claim 1. Claim 17 depends from claim 12 and is believed to be distinct from the Bruck et al. reference for at least the same reasons set out

above with respect to claim 1. The deficiencies of the San Andres et al. reference are set out in the response filed on April 12, 2004 which is incorporated herein by reference. San Andres et al. do not supply the deficiencies of the Bruck et al. reference noted above. Accordingly, claims 9, 10 and 17 are not shown or suggested by Bruck et al. in view of San Andres et al.

Claim 19 calls for an intermediary server receiving requests for server access from a plurality of sources, wherein the intermediary server is in a separate address domain from the network connected server. Bruck et al. shows a system in which the front-layer servers 200 appear to share a single network connection to internet 202 with all back end servers 204. Hence, it would appear that they cannot be in a separate address domain as called for in claim 19. Accordingly, claim 19 is not shown or suggested by Bruck et al. in view of San Andres et al.

C. Conclusion.

In view of all of the above, claims 1-18, 11-12, 14-16 and 18 are believed to be allowable and the case in condition for allowance which action is respectfully requested. Should the Examiner be of the opinion that a telephone conference would expedite the prosecution of this case, the Examiner is requested to contact Applicants' attorney at the telephone number listed below.

This response is filed together with a request for continued examination and a request for a three month extension of time in which to respond. The required fee of \$885 is enclosed with this response. Should any other fee be required, please charge Deposit 50-1123.

Respectfully submitted,

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